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19 UBER TECHNOLOGIES, INC.  
20 and OTTOMOTTO LLC

21 UNITED STATES DISTRICT COURT  
22 NORTHERN DISTRICT OF CALIFORNIA  
23 SAN FRANCISCO DIVISION

24 WAYMO LLC,

Case No. 3:17-cv-00939-WHA

25 Plaintiff,

**DEFENDANTS UBER  
TECHNOLOGIES, INC. AND  
OTTOMOTTO LLC’S OBJECTIONS  
AND RESPONSES TO WAYMO’S  
FIRST SET OF REQUESTS FOR  
PRODUCTION OF DOCUMENTS  
(NOS. 1-91)**

26 v.

27 UBER TECHNOLOGIES, INC.,  
OTTOMOTTO LLC; OTTO TRUCKING LLC,

28 Defendants.

Trial Date: October 2, 2017

1           In accordance with Rules 26 and 34 of the Federal Rules of Civil Procedure, Defendants  
2 Uber Technologies, Inc. and Ottomotto LLC (collectively “Defendants”) object and respond to  
3 Plaintiff Waymo LLC’s First Set of Requests for Production of Documents, served on May 9,  
4 2017.

5           GENERAL OBJECTIONS

6           Defendants make the following general responses and objections (“General Objections”)  
7 to each definition, instruction, and request propounded in Plaintiff’s Requests for Production of  
8 Documents. These General Objections are hereby incorporated into each specific response. The  
9 assertion of the same, similar or additional objections or partial responses to the individual  
10 requests does not waive any of Defendants’ General Objections.

11           1. Defendants object to each Request, Definition, or Instruction to the extent it seeks  
12 or purports to impose obligations beyond or inconsistent with those imposed by the Federal Rules  
13 of Civil Procedure, Federal Rules of Evidence, or the applicable rules and orders of this Court.

14           2. Nothing in these responses is an admission by Defendants of the existence,  
15 relevance, or admissibility of any information, for any purpose. Defendants reserve all objections  
16 as to competency, relevance, materiality, privilege, or admissibility related to the use of their  
17 responses and any document or thing identified in their responses as evidence for any purpose  
18 whatsoever in any subsequent proceeding in this action or any other action.

19           3. Defendants object to each Request to the extent it seeks information not within  
20 Defendants’ possession, custody, or control and not kept by Defendants in the ordinary course of  
21 business. Defendants will provide only relevant, non-privileged information that is within their  
22 present possession, custody, or control and available after a reasonable investigation.

23           4. Defendants object to these Requests insofar as they purport to require Defendants  
24 to search for information beyond that which is available after a reasonable search as it relates to  
25 this case and the scope of discovery at this stage.

26           5. Defendants object to each Request to the extent that it calls for documents,  
27 information, or things that are publicly available and therefore as accessible to Plaintiff as to  
28 Defendants.

1       6. Defendants object to each Request to the extent that it is overbroad and not  
2 proportional to the needs of the case, considering the importance of the issues in the action, the  
3 amount in controversy, the parties’ relative access to relevant information, the parties’ resources,  
4 the importance of the discovery in resolving the issues, and whether the burden or expense of the  
5 proposed discovery outweighs its likely benefit.

6       7. Defendants object to each Request to the extent that it is not limited in time.  
7 Defendants will produce information from a reasonable time period as it relates to this case.

8       8. Defendants object to each Request to the extent it seeks a response from persons or  
9 entities that are not parties to the lawsuit and over whom Defendants have no control. Defendants  
10 respond to the Requests on Defendants’ own behalf.

11       9. To the extent any Request, Instruction, or Definition may be construed as calling  
12 for disclosure of information subject to the attorney-client privilege, work product immunity,  
13 joint defense or common interest, or any other applicable privilege or protection, Defendants  
14 hereby claim such privileges and immunities and object on such grounds. Defendants do not  
15 waive, intentionally or otherwise, any attorney-client privilege, work-product immunity, joint  
16 defense or common-interest privilege or any other privilege, immunity, or other protection that  
17 may be asserted to protect information from disclosure.

18       8. Defendants object to the Requests to the extent that they are compound, complex  
19 and contain multiple subparts.

20       9. Defendants object to the definitions of “WAYMO,” “GOOGLE,” “OTTO  
21 TRUCKING,” “ODIN WAVE,” “TYTO,” “POUCH HOLDINGS,” “DOGWOOD LEASING,”  
22 “APPARATE INTERNATIONAL,” and “STROZ” as overbroad, vague, and ambiguous because  
23 Defendants do not know, for example, all “current and former employees, counsel, agents,  
24 consultants, representatives, and any other persons acting on behalf of” each entity.

25       10. Defendants object to the definition of “MISAPPROPRIATED MATERIALS” as  
26 overbroad, vague, and ambiguous to the extent it includes materials unknown to Defendants or  
27 that are otherwise not relevant to the issues in this litigation.

28       11. Defendants object to Instruction No. 1 as overbroad, unduly burdensome, and not

1 proportional to the needs of the case to the extent it purports to impose duties greater than those  
2 set forth in Paragraphs 12 and 13 of the Court’s Supplemental Order to Order Setting Initial Case  
3 Management Conference in Civil Cases Before Judge William Alsup (“Supplemental Order”).

4 12. Defendants object to Instruction Nos. 3 through 5 as overbroad, unduly  
5 burdensome, and not proportional to the needs of the case to the extent they purport to impose  
6 duties greater than those set forth in Paragraph 14 of the Court’s Supplemental Order.

7 13. Defendants object to Instruction No. 7 as overbroad, unduly burdensome, and not  
8 proportional to the needs of the case, including to the extent it purports to impose duties greater  
9 than those set forth in Paragraph 12 to the Court’s Supplemental Order.

10 14. Although Defendants have diligently complied with their discovery obligations at  
11 this stage, their investigations in connection with this litigation are continuing. These responses  
12 are limited to information obtained to date and are given without prejudice to Defendants’ right to  
13 amend or supplement their responses after considering information obtained through further  
14 discovery or investigation.

15 Subject to without waiving its General Objections, Defendants object and respond to the  
16 Requests as follow:

17 **SPECIFIC OBJECTIONS AND RESPONSES**

18 **REQUEST FOR PRODUCTION NO. 1:**

19 All agreements between STROZ and any DEFENDANT REGARDING  
20 LEVANDOWSKI, Lior Ron, OTTO, OTTOMOTTO, GOOGLE, WAYMO, or the  
21 MISAPPROPRIATED MATERIALS.

22 **RESPONSE TO REQUEST FOR PRODUCTION NO. 1:**

23 Defendants have already produced documents responsive to this Request in production  
24 volumes 10, 31, and 37.

25 This Request seeks privileged information that is the subject of a pending appeal.  
26 Defendants cannot produce that information unless and until the appeal is resolved.

1 Defendants object to this Request to the extent that it seeks information protected by the  
2 attorney-client privilege or the work product doctrine or that is otherwise privileged or protected  
3 from discovery, regardless of the outcome of the appeal.

4

5 **REQUEST FOR PRODUCTION NO. 2:**

6 All DOCUMENTS and COMMUNICATIONS REGARDING agreements between  
7 STROZ and any DEFENDANT REGARDING LEVANDOWSKI, Lior Ron, OTTO,  
8 OTTOMOTTO, GOOGLE, WAYMO, or the MISAPPROPRIATED MATERIALS.

9 **RESPONSE TO REQUEST FOR PRODUCTION NO. 2:**

10 Defendants have already produced documents responsive to this Request in production  
11 volume 30.

12 This Request seeks privileged information that is the subject of a pending appeal.  
13 Defendants cannot produce that information unless and until the appeal is resolved.

14 Defendants object to this Request to the extent that it seeks information protected by the  
15 attorney-client privilege or the work product doctrine or that is otherwise privileged or protected  
16 from discovery, regardless of the outcome of the appeal. Defendants have already furnished  
17 privilege logs for documents that potentially could be responsive to the Court’s March 16, 2017  
18 order. To the extent this Request seeks additional documents, Defendants object that it is  
19 overbroad, unduly burdensome, and not proportional to the needs of the case insofar as it seeks  
20 “all” documents and communications.

21

22 **REQUEST FOR PRODUCTION NO. 3:**

23 All agreements between STROZ and LEVANDOWSKI.

24 **RESPONSE TO REQUEST FOR PRODUCTION NO. 3:**

25 Defendants have already produced documents responsive to this Request in production  
26 volume 37.

27 This Request seeks privileged information that is the subject of a pending appeal.  
28 Defendants cannot produce that information unless and until the appeal is resolved.

1 Defendants object to this Request to the extent it seeks documents outside the possession,  
2 custody, or control of Defendants. Defendants further object to this Request to the extent that it  
3 seeks information protected by the attorney-client privilege or the work product doctrine or that is  
4 otherwise privileged or protected from discovery, regardless of the outcome of the appeal.

5

6 **REQUEST FOR PRODUCTION NO. 4:**

7 All DOCUMENTS and COMMUNICATIONS REGARDING agreements between  
8 STROZ and LEVANDOWSKI.

9 **RESPONSE TO REQUEST FOR PRODUCTION NO. 4:**

10 This Request seeks privileged information that is the subject of a pending appeal.  
11 Defendants cannot produce that information unless and until the appeal is resolved.

12 Defendants object to this Request to the extent it seeks documents outside the possession,  
13 custody, or control of Defendants. Defendants further object to this Request to the extent that it  
14 seeks information protected by the attorney-client privilege or the work product doctrine or that is  
15 otherwise privileged or protected from discovery, regardless of the outcome of the appeal.

16 Defendants have already furnished privilege logs for documents that potentially could be  
17 responsive to the Court’s March 16, 2017 order. To the extent this Request seeks additional  
18 documents, Defendants object that it is overbroad, unduly burdensome, and not proportional to  
19 the needs of the case insofar as it seeks “all” documents and communications.

20

21 **REQUEST FOR PRODUCTION NO. 5:**

22 All agreements between LEVANDOWSKI and any DEFENDANT.

23 **RESPONSE TO REQUEST FOR PRODUCTION NO. 5:**

24 Defendants have already produced non-privileged documents responsive to this Request  
25 in production volumes 32 and 42. After a reasonably diligent search, Defendants have not located  
26 any additional responsive documents.

27 Defendants object to this Request to the extent that it seeks information protected by the  
28 attorney-client privilege or the work product doctrine or that is otherwise privileged or protected

1 from discovery. Defendants further object to this Request as irrelevant, overbroad, and not  
2 proportional to the needs of the case; specifically, Defendants object that the Request is overbroad  
3 as to scope, subject matter, and time, and is irrelevant and not proportional to the needs of the  
4 case to the extent it calls for the production of documents that are unrelated to this litigation.

5

6 **REQUEST FOR PRODUCTION NO. 6:**

7 All DOCUMENTS and COMMUNICATIONS REGARDING agreements between  
8 LEVANDOWSKI and any DEFENDANT.

9 **RESPONSE TO REQUEST FOR PRODUCTION NO. 6:**

10 Defendants object to this Request to the extent that it seeks information protected by the  
11 attorney-client privilege or the work product doctrine or that is otherwise privileged or protected  
12 from discovery. Defendants further object to this Request as irrelevant, overbroad, and not  
13 proportional to the needs of the case; specifically, Defendants object that the Request is overbroad  
14 as to scope, subject matter, and time, and is irrelevant and not proportional to the needs of the  
15 case to the extent it calls for the production of documents that are unrelated to this litigation.

16 Defendants are willing to meet and confer with Plaintiff to narrow the scope, subject  
17 matter, and time frame of this Request.

18

19 **REQUEST FOR PRODUCTION NO. 7:**

20 All agreements between UBER, on the one hand, and OTTOMOTTO and/or  
21 OTTOTRUCKING, on the other.

22 **RESPONSE TO REQUEST FOR PRODUCTION NO. 7:**

23 Defendants have already produced documents responsive to this Request in production  
24 volumes 27, 28, 29, 35, and 41. After a reasonably diligent search, Defendants have not located  
25 any additional responsive documents.

26 Defendants object to this Request as irrelevant, overbroad, and not proportional to the  
27 needs of the case; specifically, Defendants object that the Request is overbroad as to scope,

28

1 subject matter, and time, and is irrelevant and not proportional to the needs of the case to the  
2 extent it calls for the production of documents that are unrelated to this litigation.

3

4 **REQUEST FOR PRODUCTION NO. 8:**

5 All DOCUMENTS and COMMUNICATIONS REGARDING agreements between  
6 UBER and OTTOMOTTO and/or OTTO TRUCKING.

7 **RESPONSE TO REQUEST FOR PRODUCTION NO. 8:**

8 Defendants object to this Request to the extent that it seeks information protected by the  
9 attorney-client privilege or the work product doctrine or that is otherwise privileged or protected  
10 from discovery. Defendants further object to this Request as irrelevant, overbroad, and not  
11 proportional to the needs of the case; specifically, Defendants object that the Request is overbroad  
12 as to scope, subject matter, and time, and is irrelevant and not proportional to the needs of the  
13 case to the extent it calls for the production of documents that are unrelated to this litigation.

14 Defendants are willing to meet and confer with Plaintiff to narrow the scope, subject  
15 matter, and time frame of this Request.

16

17 **REQUEST FOR PRODUCTION NO. 9:**

18 All agreements between OTTOMOTTO and OTTO TRUCKING.

19 **RESPONSE TO REQUEST FOR PRODUCTION NO. 9:**

20 Defendants will produce all relevant, responsive, non-privileged agreements located  
21 through a reasonably diligent search.

22 Defendants object to this Request to the extent that it seeks information protected by the  
23 attorney-client privilege or the work product doctrine or that is otherwise privileged or protected  
24 from discovery. Defendants further object to this Request as irrelevant, overbroad, and not  
25 proportional to the needs of the case; specifically, Defendants object that the Request is overbroad  
26 as to scope, subject matter, and time, and is irrelevant and not proportional to the needs of the  
27 case to the extent it calls for the production of documents that are unrelated to this litigation.

28

1 **REQUEST FOR PRODUCTION NO. 10:**

2 All DOCUMENTS and COMMUNICATIONS REGARDING agreements between  
3 OTTOMOTTO and OTTO TRUCKING.

4 **RESPONSE TO REQUEST FOR PRODUCTION NO. 10:**

5 Defendants object to this Request to the extent that it seeks information protected by the  
6 attorney-client privilege or the work product doctrine or that is otherwise privileged or protected  
7 from discovery. Defendants further object to this Request as irrelevant, overbroad, and not  
8 proportional to the needs of the case; specifically, Defendants object that the Request is overbroad  
9 as to scope, subject matter, and time, and is irrelevant and not proportional to the needs of the  
10 case to the extent it calls for the production of documents that are unrelated to this litigation.

11 Defendants are willing to meet and confer with Plaintiff to narrow the scope, subject  
12 matter, and time frame of this Request.

13  
14 **REQUEST FOR PRODUCTION NO. 11:**

15 DOCUMENTS sufficient to show the relationship between OTTOMOTTO and OTTO  
16 TRUCKING.

17 **RESPONSE TO REQUEST FOR PRODUCTION NO. 11:**

18 Defendants will produce a document or documents in their possession, custody, or control  
19 sufficient to show the relationship between OTTOMOTTO and OTTO TRUCKING, to the extent  
20 there is any relationship.

21 Defendants object to this Request to the extent it is duplicative of other Requests and,  
22 therefore, unnecessary and unduly burdensome. Request No. 11 is duplicative of, *inter alia*,  
23 Request Nos. 9 and 10.

24  
25 **REQUEST FOR PRODUCTION NO. 12:**

26 DOCUMENTS sufficient to show the relationship between UBER and OTTO  
27 TRUCKING.

1 **RESPONSE TO REQUEST FOR PRODUCTION NO. 12:**

2 Defendants have produced documents sufficient to show the relationship between Uber  
3 and Otto Trucking in production volumes 27, 28, 29, and 35. Defendants consider their  
4 production to be complete at this time.

5 Defendants object to this Request to the extent it is duplicative of other Requests and,  
6 therefore, unnecessary and unduly burdensome. Request No. 12 is duplicative of, *inter alia*,  
7 Request Nos. 7 and 8.

8

9 **REQUEST FOR PRODUCTION NO. 13:**

10 All agreements between LEVANDOWSKI and TYTO and/or ODIN WAVE.

11 **RESPONSE TO REQUEST FOR PRODUCTION NO. 13:**

12 After a diligent search and reasonable inquiry, Defendants respond that Defendants have  
13 no documents responsive to this Request.

14 Defendants object to this Request to the extent it seeks documents outside the possession,  
15 custody, or control of Defendants. Defendants further object to this Request as irrelevant,  
16 overbroad, and not proportional to the needs of the case; specifically, Defendants object that the  
17 Request is overbroad as to scope, subject matter, and time, and is irrelevant and not proportional  
18 to the needs of the case to the extent it calls for the production of documents that are unrelated to  
19 this litigation.

20

21 **REQUEST FOR PRODUCTION NO. 14:**

22 All DOCUMENTS and COMMUNICATIONS REGARDING agreements between  
23 LEVANDOWSKI and TYTO and/or ODIN WAVE.

24 **RESPONSE TO REQUEST FOR PRODUCTION NO. 14:**

25 After a diligent search and reasonable inquiry, Defendants respond that Defendants have  
26 no documents responsive to this Request.

27 Defendants object to this Request to the extent it seeks documents outside the possession,  
28 custody, or control of Defendants, and to the extent that it seeks information protected by the

1 attorney-client privilege or the work product doctrine or that is otherwise privileged or protected  
2 from discovery. Defendants further object to this Request as irrelevant, overbroad, and not  
3 proportional to the needs of the case to the extent it calls for the production of documents that are  
4 unrelated to this litigation.

5

6 **REQUEST FOR PRODUCTION NO. 15:**

7 DOCUMENTS sufficient to show the relationship between LEVANDOWSKI and TYTO  
8 and/or ODIN WAVE.

9 **RESPONSE TO REQUEST FOR PRODUCTION NO. 15:**

10 After a diligent search and reasonable inquiry, Defendants respond that Defendants have  
11 no documents responsive to this Request.

12 Defendants object to this Request to the extent it seeks documents outside the possession,  
13 custody, or control of Defendants. Defendants further object to this Request as duplicative of  
14 other Requests, including but not limited to Request Nos. 13 and 14.

15

16 **REQUEST FOR PRODUCTION NO. 16:**

17 All agreements between LEVANDOWSKI and DOGWOOD LEASING, POUCH  
18 HOLDINGS, and/or APPARATE INTERNATIONAL.

19 **RESPONSE TO REQUEST FOR PRODUCTION NO. 16:**

20 After a diligent search and reasonable inquiry, Defendants respond that Defendants have  
21 no documents responsive to this Request.

22 Defendants object to this Request to the extent it seeks documents outside the possession,  
23 custody, or control of Defendants. Defendants further object to this Request as irrelevant,  
24 overbroad, and not proportional to the needs of the case; specifically, Defendants object that the  
25 Request is overbroad as to scope, subject matter, and time, and is irrelevant and not proportional  
26 to the needs of the case to the extent it calls for the production of documents that are unrelated to  
27 this litigation.

28

1 **REQUEST FOR PRODUCTION NO. 17:**

2 DOCUMENTS sufficient to show the relationship between LEVANDOWSKI and  
3 DOGWOOD LEASING, POUCH HOLDINGS, and/or APPARATE INTERNATIONAL.

4 **RESPONSE TO REQUEST FOR PRODUCTION NO. 17:**

5 After a diligent search and reasonable inquiry, Defendants respond that Defendants have  
6 no documents responsive to this Request.

7 Defendants object to this Request to the extent it seeks documents outside the possession,  
8 custody, or control of Defendants, and as overbroad insofar as it seeks documents regarding  
9 Apparate International. Defendants further object to this Request as duplicative of other  
10 Requests, including but not limited to Request No. 16.

11  
12 **REQUEST FOR PRODUCTION NO. 18:**

13 All DOCUMENTS and COMMUNICATIONS REGARDING agreements between  
14 LEVANDOWSKI and DOGWOOD LEASING, POUCH HOLDINGS, and/or APPARATE  
15 INTERNATIONAL.

16 **RESPONSE TO REQUEST FOR PRODUCTION NO. 18:**

17 After a diligent search and reasonable inquiry, Defendants respond that Defendants have  
18 no documents responsive to this Request.

19 Defendants object to this Request to the extent it seeks documents outside the possession,  
20 custody, or control of Defendants, and to the extent that it seeks information protected by the  
21 attorney-client privilege or the work product doctrine or that is otherwise privileged or protected  
22 from discovery. Defendants further object to this Request as irrelevant, overbroad, and not  
23 proportional to the needs of the case; specifically, Defendants object that the Request is overbroad  
24 as to scope, subject matter, and time, and is irrelevant and not proportional to the needs of the  
25 case to the extent it calls for the production of documents that are unrelated to this litigation.

26  
27 **REQUEST FOR PRODUCTION NO. 19:**

28 All agreements between any DEFENDANT and TYTO and/or ODIN WAVE.

1 **RESPONSE TO REQUEST FOR PRODUCTION NO. 19:**

2 Defendants have produced documents responsive to this Request pursuant to expedited  
3 Requests for Production Nos. 4 and 22. Defendants consider their production to be complete at  
4 this time.

5

6 **REQUEST FOR PRODUCTION NO. 20:**

7 All DOCUMENTS and COMMUNICATIONS REGARDING agreements between any  
8 DEFENDANT and TYTO and/or ODIN WAVE.

9 **RESPONSE TO REQUEST FOR PRODUCTION NO. 20:**

10 Defendants will produce responsive non-privileged DOCUMENTS and  
11 COMMUNICATIONS between Tyto, on one hand, and Uber or Ottomotto, on the other hand,  
12 located through a reasonably diligent search, to the extent such DOCUMENTS and  
13 COMMUNICATIONS relate to agreements that were previously produced by Defendants in  
14 connection with expedited Requests for Production Nos. 4 and 22.

15 Defendants object to this Request to the extent that it seeks information protected by the  
16 attorney-client privilege or the work product doctrine or that is otherwise privileged or protected  
17 from discovery. Defendants further object to this Request as irrelevant, overbroad, and not  
18 proportional to the needs of the case; specifically, Defendants object that the Request is overbroad  
19 as to scope, subject matter, and time, and is irrelevant and not proportional to the needs of the  
20 case to the extent it calls for the production of documents that are unrelated to this litigation.

21

22 **REQUEST FOR PRODUCTION NO. 21:**

23 DOCUMENTS sufficient to show the relationship between any DEFENDANT and TYTO  
24 and/or ODIN WAVE.

25 **RESPONSE TO REQUEST FOR PRODUCTION NO. 21:**

26 Defendants have produced documents responsive to this Request pursuant to expedited  
27 Requests for Production Nos. 4 and 22. Defendants consider their production to be complete at  
28 this time.

1

2 **REQUEST FOR PRODUCTION NO. 22:**

3 All agreements between any DEFENDANT and DOGWOOD LEASING, POUCH  
4 HOLDINGS, and/or APPARATE INTERNATIONAL.

5 **RESPONSE TO REQUEST FOR PRODUCTION NO. 22:**

6 After a diligent search and reasonable inquiry, Defendants respond that they have no  
7 responsive agreements with Dogwood Leasing or Pouch Holdings.

8 Defendants object to this Request as irrelevant, overbroad, and not proportional to the  
9 needs of the case; specifically, Defendants object that the Request is overbroad as to scope—  
10 especially insofar as it seeks documents regarding Apparate International—, subject matter, and  
11 time, and is irrelevant and not proportional to the needs of the case to the extent it calls for the  
12 production of documents that are unrelated to this litigation.

13

14 **REQUEST FOR PRODUCTION NO. 23:**

15 All DOCUMENTS and COMMUNICATIONS REGARDING agreements between any  
16 DEFENDANT and DOGWOOD LEASING, POUCH HOLDINGS, and/or APPARATE  
17 INTERNATIONAL.

18 **RESPONSE TO REQUEST FOR PRODUCTION NO. 23:**

19 After a diligent search and reasonable inquiry, Defendants respond that they have no  
20 responsive agreements with Dogwood Leasing or Pouch Holdings.

21 Defendants object to this Request to the extent that it seeks information protected by the  
22 attorney-client privilege or the work product doctrine or that is otherwise privileged or protected  
23 from discovery. Defendants further object to this Request as irrelevant, overbroad, and not  
24 proportional to the needs of the case; specifically, Defendants object that the Request is overbroad  
25 as to scope—especially insofar as it seeks documents regarding Apparate International—, subject  
26 matter, and time, and is irrelevant and not proportional to the needs of the case to the extent it  
27 calls for the production of documents that are unrelated to this litigation.

28

1 **REQUEST FOR PRODUCTION NO. 24:**

2 All agreements between TYTO and/or ODIN WAVE, on the one hand, and DOGWOOD  
3 LEASING, POUCH HOLDINGS, and/or APPARATE INTERNATIONAL, on the other.

4 **RESPONSE TO REQUEST FOR PRODUCTION NO. 24:**

5 After a diligent search and reasonable inquiry, Defendants respond that Defendants have  
6 no documents responsive to this Request as to Dogwood Leasing. Defendants will produce all  
7 relevant, responsive agreements located through a reasonably diligent search.

8 Defendants object to this Request as irrelevant, overbroad, and not proportional to the  
9 needs of the case; specifically, Defendants object that the Request is overbroad as to scope,  
10 subject matter, and time, and is irrelevant and not proportional to the needs of the case to the  
11 extent it calls for the production of documents that are unrelated to this litigation.

12  
13 **REQUEST FOR PRODUCTION NO. 25:**

14 All DOCUMENTS and COMMUNICATIONS REGARDING agreements between  
15 TYTO and/or ODIN WAVE, on the one hand, and DOGWOOD LEASING, POUCH  
16 HOLDINGS, and/or APPARATE INTERNATIONAL, on the other.

17 **RESPONSE TO REQUEST FOR PRODUCTION NO. 25:**

18 Defendants will produce relevant, responsive non-privileged DOCUMENTS and  
19 COMMUNICATIONS located through a reasonably diligent search.

20 Defendants object to this Request to the extent that it seeks information protected by the  
21 attorney-client privilege or the work product doctrine or that is otherwise privileged or protected  
22 from discovery. Defendants further object to this Request as irrelevant, overbroad, and not  
23 proportional to the needs of the case; specifically, Defendants object that the Request is overbroad  
24 as to scope, subject matter, and time, and is irrelevant and not proportional to the needs of the  
25 case to the extent it calls for the production of documents that are unrelated to this litigation.

1 **REQUEST FOR PRODUCTION NO. 26:**

2 DOCUMENTS sufficient to show the relationship between TYTO and/or ODIN WAVE,  
3 on the one hand, and DOGWOOD LEASING, POUCH HOLDINGS, and/or APPARATE  
4 INTERNATIONAL, on the other.

5 **RESPONSE TO REQUEST FOR PRODUCTION NO. 26:**

6 After a diligent search and reasonable inquiry, Defendants respond that Defendants have  
7 no documents responsive to this Request as to Dogwood Leasing or Apparate International.  
8 Defendants will produce a DOCUMENT or DOCUMENTS responsive to this Request as to  
9 Pouch Holdings.

10 Defendants object to this Request as irrelevant, overbroad, and not proportional to the  
11 needs of the case; specifically, Defendants object that the Request is overbroad as to scope,  
12 subject matter, and time, and is irrelevant and not proportional to the needs of the case to the  
13 extent it calls for the production of documents that are unrelated to this litigation.

14

15 **REQUEST FOR PRODUCTION NO. 27:**

16 DOCUMENTS sufficient to show the reasons behind UBER’s decision to acquire  
17 OTTOMOTTO.

18 **RESPONSE TO REQUEST FOR PRODUCTION NO. 27:**

19 Defendants have produced documents sufficient to show the reasons behind UBER’s  
20 decision to acquire OTTOMOTTO in production volumes 27, 29, and 35.

21 Defendants object to this Request to the extent that it seeks information protected by the  
22 attorney-client privilege or the work product doctrine or that is otherwise privileged or protected  
23 from discovery. Defendants further object to this Request as vague and ambiguous, including as  
24 to the phrase “reasons behind.”

25

26 **REQUEST FOR PRODUCTION NO. 28:**

27 All DOCUMENTS and COMMUNICATIONS REGARDING UBER’s due diligence of  
28 OTTOMOTTO.

1 **RESPONSE TO REQUEST FOR PRODUCTION NO. 28:**

2 Defendants have produced documents responsive to this Request in production volumes  
3 19, 26, 27, 28, 29, 32, 33, 37, 40, 41, and 42. Moreover, this Request is the subject of current  
4 motion practice, and Defendants cannot produce further requested non-privileged information  
5 unless and until the issue is resolved. Defendants are willing to meet and confer with Plaintiff to  
6 narrow the scope, subject matter, and time frame of this Request for any further productions.

7 Defendants object to this Request to the extent that it seeks information protected by the  
8 attorney-client privilege or the work product doctrine or that is otherwise privileged or protected  
9 from discovery. Defendants have already furnished privilege logs for documents that potentially  
10 could be responsive to the Court’s March 16, 2017 order. To the extent this Request seeks  
11 additional documents, Defendants object that it is overbroad, unduly burdensome, and not  
12 proportional to the needs of the case insofar as it seeks “all” documents and communications.  
13 Defendants further object to this Request as irrelevant, overbroad, and not proportional to the  
14 needs of the case; specifically, Defendants object that the Request is overbroad as to scope,  
15 subject matter, and time, and is irrelevant and not proportional to the needs of the case to the  
16 extent it calls for the production of documents that are unrelated to this litigation.

17

18 **REQUEST FOR PRODUCTION NO. 29:**

19 All DOCUMENTS and COMMUNICATIONS REGARDING negotiations over UBER’s  
20 acquisition of OTTOMOTTO.

21 **RESPONSE TO REQUEST FOR PRODUCTION NO. 29:**

22 Defendants object to this Request to the extent that it seeks information protected by the  
23 attorney-client privilege or the work product doctrine or that is otherwise privileged or protected  
24 from discovery. Defendants further object to this Request as irrelevant, overbroad, and not  
25 proportional to the needs of the case; specifically, Defendants object that the Request is overbroad  
26 as to scope, subject matter, and time, and is irrelevant and not proportional to the needs of the  
27 case to the extent it calls for the production of documents that are unrelated to this litigation.

1 Defendants additionally object that responding to this Request would be oppressive and unduly  
2 burdensome.

3 Defendants are willing to meet and confer with Plaintiff to narrow the scope, subject  
4 matter, and time frame of this Request.

5

6 **REQUEST FOR PRODUCTION NO. 30:**

7 All DOCUMENTS REGARDING any consulting work by LEVANDOWSKI for UBER  
8 before August 18, 2016.

9 **RESPONSE TO REQUEST FOR PRODUCTION NO. 30:**

10 Defendants have produced documents responsive to this Request in production volumes  
11 51 and 52, and in connection with Defendants’ production pursuant to expedited Requests 13-17.  
12 To the extent Defendants locate any additional non-privileged responsive documents related to  
13 LiDAR, they will produce such documents.

14 Defendants object to this Request to the extent that the term “REGARDING any  
15 consulting work” is vague and ambiguous in the context of this Request. Defendants further  
16 object to this Request as irrelevant, overbroad, and not proportional to the needs of the case;  
17 specifically, Defendants object that the Request is overbroad as to scope, subject matter, and time,  
18 and is irrelevant and not proportional to the needs of the case to the extent it calls for the  
19 production of documents that are unrelated to this litigation.

20

21 **REQUEST FOR PRODUCTION NO. 31:**

22 All COMMUNICATIONS between LEVANDOWSKI and UBER before August 18,  
23 2016.

24 **RESPONSE TO REQUEST FOR PRODUCTION NO. 31:**

25 Defendants have produced documents responsive to this Request. Defendants will  
26 produce responsive non-privileged COMMUNICATIONS located through a reasonably diligent  
27 search.

28

1 Defendants object to this Request to the extent that it seeks information protected by the  
2 attorney-client privilege or the work product doctrine or that is otherwise privileged or protected  
3 from discovery. Defendants have already furnished privilege logs for documents that potentially  
4 could be responsive to the Court’s March 16, 2017 order. To the extent this Request seeks  
5 additional privileged documents, Defendants object that it is overbroad, unduly burdensome, and  
6 not proportional to the needs of the case. Defendants further object to this Request as overbroad  
7 as to scope and subject matter to the extent it calls for the production of documents that are  
8 unrelated to this litigation.

9

10 **REQUEST FOR PRODUCTION NO. 32:**

11 All DOCUMENTS and COMMUNICATIONS REGARDING work performed by  
12 OTTOMOTTO, OTTO TRUCKING, ODIN WAVE, and/or TYTO for UBER before August 18,  
13 2016.

14 **RESPONSE TO REQUEST FOR PRODUCTION NO. 32:**

15 Defendants have produced documents responsive to this Request in production volumes  
16 51 and 52, and in connection with Defendants’ production pursuant to expedited Requests 13-17.  
17 Defendants are willing to meet and confer with Plaintiff to narrow the scope, subject matter, and  
18 time frame of this Request for any further productions.

19 Defendants object to this Request to the extent that it seeks information protected by the  
20 attorney-client privilege or the work product doctrine or that is otherwise privileged or protected  
21 from discovery. Defendants further object to this Request as irrelevant, overbroad, and not  
22 proportional to the needs of the case; specifically, Defendants object that the Request is overbroad  
23 as to scope, subject matter, and time, and is irrelevant and not proportional to the needs of the  
24 case to the extent it calls for the production of documents that are unrelated to this litigation.  
25 Defendants also object to this Request as improperly compound, as it seeks documents and  
26 communications regarding four separate categories of information. Defendants additionally  
27 object that responding to this Request would be oppressive and unduly burdensome.

28

1 **REQUEST FOR PRODUCTION NO. 33:**

2 All DOCUMENTS and COMMUNICATIONS REGARDING work performed by  
3 APPARATE INTERNATIONAL, POUCH HOLDINGS, and/or DOGWOOD LEASING for  
4 UBER before August 18, 2016.

5 **RESPONSE TO REQUEST FOR PRODUCTION NO. 33:**

6 After a diligent search and reasonable inquiry, Defendants respond that Defendants have  
7 no documents responsive to this Request.

8 Defendants object to this Request to the extent that it seeks information protected by the  
9 attorney-client privilege or the work product doctrine or that is otherwise privileged or protected  
10 from discovery. Defendants further object to this Request as irrelevant, overbroad, and not  
11 proportional to the needs of the case; specifically, Defendants object that the Request is overbroad  
12 as to scope, subject matter, and time, and is irrelevant and not proportional to the needs of the  
13 case to the extent it calls for the production of documents that are unrelated to this litigation.  
14 Defendants also object to this Request as improperly compound, as it seeks documents and  
15 communications regarding three separate categories of information. Defendants additionally  
16 object that responding to this Request would be oppressive and unduly burdensome.

17  
18 **REQUEST FOR PRODUCTION NO. 34:**

19 DOCUMENTS sufficient to show the reasons behind OTTOMOTTO’s decision to  
20 acquire TYTO and/or ODIN WAVE.

21 **RESPONSE TO REQUEST FOR PRODUCTION NO. 34:**

22 Defendants have already produced documents sufficient to show the reasons behind  
23 [REDACTED] in connection with the document requests  
24 served with the deposition notice of David Meall. Defendants consider their production to be  
25 complete at this time. If, however, Defendants locate additional non-privileged responsive  
26 documents that address additional reasons for the [REDACTED], they will produce such  
27 documents.

1 Defendants object to this Request to the extent it seeks documents outside the possession,  
2 custody, or control of Defendants. Defendants object to this Request to the extent that it seeks  
3 information protected by the attorney-client privilege or the work product doctrine or that is  
4 otherwise privileged or protected from discovery. Defendants further object to this Request as  
5 vague and ambiguous, including as to the phrase “reasons behind.”

6

7 **REQUEST FOR PRODUCTION NO. 35:**

8 All DOCUMENTS and COMMUNICATIONS REGARDING OTTOMOTTO’s due  
9 diligence of TYTO and/or ODIN WAVE.

10 **RESPONSE TO REQUEST FOR PRODUCTION NO. 35:**

11 Defendants will produce any responsive non-privileged DOCUMENTS and  
12 COMMUNICATIONS exchanged between Tyto and Ottomotto located through a reasonably  
13 diligent search.

14 Defendants object to this Request to the extent it seeks documents outside the possession,  
15 custody, or control of Defendants. Defendants object to this Request to the extent that it seeks  
16 information protected by the attorney-client privilege or the work product doctrine or that is  
17 otherwise privileged or protected from discovery. Defendants further object to this Request as  
18 irrelevant, overbroad, and not proportional to the needs of the case; specifically, Defendants  
19 object that the Request is overbroad as to scope, subject matter, and time, and is irrelevant and not  
20 proportional to the needs of the case to the extent it calls for the production of documents that are  
21 unrelated to this litigation. Defendants further object to this Request to the extent that the term  
22 “due diligence” is vague and ambiguous in the context of this Request.

23

24 **REQUEST FOR PRODUCTION NO. 36:**

25 All DOCUMENTS and COMMUNICATIONS REGARDING UBER’s due diligence of  
26 TYTO and/or ODIN WAVE.

27

28

1 **RESPONSE TO REQUEST FOR PRODUCTION NO. 36:**

2 Defendants will produce any non-privileged responsive DOCUMENTS and  
3 COMMUNICATIONS exchanged between Tyto and Uber located through a reasonably diligent  
4 search.

5 Defendants object to this Request to the extent that it seeks information protected by the  
6 attorney-client privilege or the work product doctrine or that is otherwise privileged or protected  
7 from discovery. Defendants further object to this Request as irrelevant, overbroad, and not  
8 proportional to the needs of the case; specifically, Defendants object that the Request is overbroad  
9 as to scope, subject matter, and time, and is irrelevant and not proportional to the needs of the  
10 case to the extent it calls for the production of documents that are unrelated to this litigation.

11  
12 **REQUEST FOR PRODUCTION NO. 37:**

13 All DOCUMENTS and COMMUNICATIONS REGARDING negotiations over  
14 OTTOMOTTO’s acquisition of TYTO and/or ODIN WAVE.

15 **RESPONSE TO REQUEST FOR PRODUCTION NO. 37:**

16 Defendants object to this Request to the extent that it seeks information protected by the  
17 attorney-client privilege or the work product doctrine or that is otherwise privileged or protected  
18 from discovery. Defendants further object to this Request as irrelevant, overbroad, and not  
19 proportional to the needs of the case; specifically, Defendants object that the Request is overbroad  
20 as to scope, subject matter, and time, and is irrelevant and not proportional to the needs of the  
21 case to the extent it calls for the production of documents that are unrelated to this litigation.  
22 Defendants further object to the term “acquisition” as vague and ambiguous in the context of this  
23 Request.

24 Defendants are willing to meet and confer with Plaintiff to narrow the scope and subject  
25 matter of this Request.

1 **REQUEST FOR PRODUCTION NO. 38:**

2 All DOCUMENTS and COMMUNICATIONS REGARDING negotiations over UBER’s  
3 potential acquisition of TYTO and/or ODIN WAVE.

4 **RESPONSE TO REQUEST FOR PRODUCTION NO. 38:**

5 Defendants object to this Request to the extent that it seeks information protected by the  
6 attorney-client privilege or the work product doctrine or that is otherwise privileged or protected  
7 from discovery. Defendants further object to this Request as irrelevant, overbroad, and not  
8 proportional to the needs of the case; specifically, Defendants object that the Request is overbroad  
9 as to scope, subject matter, and time, and is irrelevant and not proportional to the needs of the  
10 case to the extent it calls for the production of documents that are unrelated to this litigation.

11 Defendants are willing to meet and confer with Plaintiff to narrow the scope and subject  
12 matter of this Request.

13

14 **REQUEST FOR PRODUCTION NO. 39:**

15 The “Mutual Non-Disclosure Agreement, dated as of February 1, 2016,” (referred to in  
16 Dkt. 147-1, paragraph 17), and any amendments thereto.

17 **RESPONSE TO REQUEST FOR PRODUCTION NO. 39:**

18 Defendants have produced the Mutual Non-Disclosure Agreement, dated as of February 1,  
19 2016, at UBER00016752.

20

21 **REQUEST FOR PRODUCTION NO. 40:**

22 All DOCUMENTS and COMMUNICATIONS REGARDING the “Mutual Non-  
23 Disclosure Agreement, dated as of February 1, 2016,” (referred to in Dkt. 147-1, paragraph 17),  
24 and any amendments thereto.

25 **RESPONSE TO REQUEST FOR PRODUCTION NO. 40:**

26 Defendants will produce non-privileged DOCUMENTS and COMMUNICATIONS  
27 responsive to this Request exchanged between Uber and Ottomotto located through a reasonably  
28 diligent search.

1 Defendants object to this Request to the extent that it seeks information protected by the  
2 attorney-client privilege or the work product doctrine or that is otherwise privileged or protected  
3 from discovery. Defendants have already furnished privilege logs for documents that potentially  
4 could be responsive to the Court’s March 16, 2017 order. To the extent this Request seeks  
5 additional privileged documents, Defendants object that it is overbroad, unduly burdensome, and  
6 not proportional to the needs of the case insofar as it seeks “all” documents and communications.  
7 Defendants further object to this Request as irrelevant, overbroad, and not proportional to the  
8 needs of the case; specifically, Defendants object that the Request is overbroad as to scope,  
9 subject matter, and time, and is irrelevant and not proportional to the needs of the case to the  
10 extent it seeks information that is not relevant to any of the claims or defenses at issue in this case  
11 and not reasonably calculated to lead to the discovery of admissible evidence.

12

13 **REQUEST FOR PRODUCTION NO. 41:**

14 The “Indemnification Agreement among Apparate International C.V., Participant,  
15 Ottomotto, and the other parties therein entered into as of April 11, 2016” (referred to in  
16 UBER00016410), and any amendments thereto.

17 **RESPONSE TO REQUEST FOR PRODUCTION NO. 41:**

18 Defendants have produced this Indemnification Agreement at UBER00016432.

19

20 **REQUEST FOR PRODUCTION NO. 42:**

21 All DOCUMENTS and COMMUNICATIONS REGARDING the “Indemnification  
22 Agreement among Apparate International C.V., Participant, Ottomotto, and the other parties  
23 therein entered into as of April 11, 2016” (referred to in UBER00016410), and any amendments  
24 thereto.

25 **RESPONSE TO REQUEST FOR PRODUCTION NO. 42:**

26 Defendants object to this Request to the extent that it seeks information protected by the  
27 attorney-client privilege or the work product doctrine or that is otherwise privileged or protected  
28 from discovery. Defendants further object to this Request as irrelevant, overbroad, and not

1 proportional to the needs of the case; specifically, Defendants object that the Request is overbroad  
2 as to scope, subject matter, and time, and is irrelevant and not proportional to the needs of the  
3 case to the extent it seeks information that is not relevant to any of the claims or defenses at issue  
4 in this case and not reasonably calculated to lead to the discovery of admissible evidence.

5 Defendants are willing to meet and confer with Plaintiff to narrow the scope, subject  
6 matter, and time frame of this Request.

7

8 **REQUEST FOR PRODUCTION NO. 43:**

9 The “Merger Agreement entered into among Ottomotto, the Company and certain other  
10 parties thereto as of April 11, 2016” (referred to in UBER00016410), and any amendments  
11 thereto.

12 **RESPONSE TO REQUEST FOR PRODUCTION NO. 43:**

13 Defendants have produced this Merger Agreement and all amendments thereto at  
14 UBER00016453 and UBER00017483.

15

16 **REQUEST FOR PRODUCTION NO. 44:**

17 All DOCUMENTS and COMMUNICATIONS REGARDING the “Merger Agreement  
18 entered into among Ottomotto, the Company and certain other parties thereto as of April 11,  
19 2016” (referred to in UBER00016410), and any amendments thereto.

20 **RESPONSE TO REQUEST FOR PRODUCTION NO. 44:**

21 Defendants object to this Request to the extent that it seeks information protected by the  
22 attorney-client privilege or the work product doctrine or that is otherwise privileged or protected  
23 from discovery. Defendants further object to this Request as irrelevant, overbroad, and not  
24 proportional to the needs of the case; specifically, Defendants object that the Request is overbroad  
25 as to scope, subject matter, and time, and is irrelevant and not proportional to the needs of the  
26 case to the extent it calls for the production of documents that are unrelated to this litigation.

27 Defendants are willing to meet and confer with Plaintiff to narrow the scope, subject  
28 matter, and time frame of this Request.

1

2 **REQUEST FOR PRODUCTION NO. 45:**

3 All COMMUNICATIONS between any DEFENDANT and TYTO and/or ODIN WAVE.

4 **RESPONSE TO REQUEST FOR PRODUCTION NO. 45:**

5 Defendants will produce non-privileged COMMUNICATIONS responsive to this Request  
6 located through a reasonably diligent search.

7 Defendants object to this Request to the extent that it seeks information protected by the  
8 attorney-client privilege or the work product doctrine or that is otherwise privileged or protected  
9 from discovery. Defendants further object to this Request as irrelevant, overbroad, and not  
10 proportional to the needs of the case; specifically, Defendants object that the Request is overbroad  
11 as to scope, subject matter, and time, and is irrelevant and not proportional to the needs of the  
12 case to the extent it calls for the production of documents that are unrelated to this litigation.  
13 Defendants additionally object that responding to this Request would be oppressive and unduly  
14 burdensome.

15

16 **REQUEST FOR PRODUCTION NO. 46:**

17 All COMMUNICATIONS between any DEFENDANT and DOGWOOD LEASING.

18 **RESPONSE TO REQUEST FOR PRODUCTION NO. 46:**

19 Defendants have not located any responsive documents.

20 Defendants object to this Request as irrelevant, overbroad, and not proportional to the  
21 needs of the case; specifically, Defendants object that the Request is overbroad as to scope,  
22 subject matter, and time, and is irrelevant and not proportional to the needs of the case to the  
23 extent it calls for the production of documents that are unrelated to this litigation. Defendants  
24 additionally object that responding to this Request would be oppressive and unduly burdensome.

25

26 **REQUEST FOR PRODUCTION NO. 47:**

27 All COMMUNICATIONS between any DEFENDANT and APPARATE  
28 INTERNATIONAL.

1 **RESPONSE TO REQUEST FOR PRODUCTION NO. 47:**

2 Defendants object to this Request as vague and ambiguous. Defendants further object to  
3 this Request to the extent that it seeks information protected by the attorney-client privilege or the  
4 work product doctrine or that is otherwise privileged or protected from discovery. Defendants  
5 further object to this Request as irrelevant, overbroad, and not proportional to the needs of the  
6 case; specifically, Defendants object that the Request is overbroad as to scope, subject matter, and  
7 time, and is irrelevant and not proportional to the needs of the case to the extent it calls for the  
8 production of documents that are unrelated to this litigation. Defendants additionally object that  
9 responding to this Request would be oppressive and unduly burdensome.

10 Defendants will not produce DOCUMENTS responsive to this Request.

11

12 **REQUEST FOR PRODUCTION NO. 48:**

13 All COMMUNICATIONS between any DEFENDANT and POUCH HOLDINGS.

14 **RESPONSE TO REQUEST FOR PRODUCTION NO. 48:**

15 After a diligent search and reasonable inquiry, Defendants respond that Defendants have  
16 no documents responsive to this Request.

17 Defendants object to this Request to the extent that it seeks information protected by the  
18 attorney-client privilege or the work product doctrine or that is otherwise privileged or protected  
19 from discovery. Defendants further object to this Request as irrelevant, overbroad, and not  
20 proportional to the needs of the case; specifically, Defendants object that the Request is overbroad  
21 as to scope, subject matter, and time, and is irrelevant and not proportional to the needs of the  
22 case to the extent it calls for the production of documents that are unrelated to this litigation.  
23 Defendants additionally object that responding to this Request would be oppressive and unduly  
24 burdensome.

25

26 **REQUEST FOR PRODUCTION NO. 49:**

27 All COMMUNICATIONS between LEVANDOWSKI and TYTO and/or ODIN WAVE  
28 prior to OTTOMOTTO’S acquisition of TYTO and/or ODIN WAVE.

1 **RESPONSE TO REQUEST FOR PRODUCTION NO. 49:**

2 Defendants will produce non-privileged COMMUNICATIONS responsive to this Request  
3 located through a reasonably diligent search.

4 Defendants object to this Request to the extent that it seeks information outside of  
5 Defendants’ possession, custody, or control, and to the extent that it seeks information protected  
6 by the attorney-client privilege or the work product doctrine or that is otherwise privileged or  
7 protected from discovery. Defendants further object to this Request as vague, ambiguous, and  
8 unintelligible because Ottomotto did not acquire Tyto and/or Odin Wave.

9

10 **REQUEST FOR PRODUCTION NO. 50:**

11 DOCUMENTS sufficient to show the identity of any PERSON with an ownership interest  
12 in OTTOMOTTO, at any time, and the amount of that PERSON’s ownership interest.

13 **RESPONSE TO REQUEST FOR PRODUCTION NO. 50:**

14 Defendants have produced documents responsive to this Request in production volumes  
15 27, 29, and 35. Defendants consider their production to be complete at this time.

16

17 **REQUEST FOR PRODUCTION NO. 51:**

18 DOCUMENTS sufficient to show the identity of any PERSON with an ownership interest  
19 in OTTO TRUCKING, at any time, and the amount of that PERSON’s ownership interest.

20 **RESPONSE TO REQUEST FOR PRODUCTION NO. 51:**

21 Defendants have produced documents responsive to this Request in production volumes  
22 28, 29, and 35. Defendants consider their production to be complete at this time.

23 Defendants object to this Request to the extent that it seeks information outside of  
24 Defendants’ possession, custody, or control.

25

26 **REQUEST FOR PRODUCTION NO. 52:**

27 DOCUMENTS sufficient to show the identity of any PERSON with an ownership interest  
28 in TYTO at any time, and the amount of that PERSON’s ownership interest.

1 **RESPONSE TO REQUEST FOR PRODUCTION NO. 52:**

2 Defendants have produced documents responsive to this Request in production volume  
3 42. Defendants consider their production complete at this time.

4 Defendants object to this Request to the extent that it seeks information outside of  
5 Defendants’ possession, custody, or control.

6  
7 **REQUEST FOR PRODUCTION NO. 53:**

8 DOCUMENTS sufficient to show the identity of any PERSON with an ownership interest  
9 in ODIN WAVE, at any time, and the amount of that PERSON’s ownership interest.

10 **RESPONSE TO REQUEST FOR PRODUCTION NO. 53:**

11 Defendants have produced documents responsive to this Request in production volume  
12 42. Defendants consider their production complete at this time.

13 Defendants object to this Request to the extent that it seeks information outside of  
14 Defendants’ possession, custody, or control.

15  
16 **REQUEST FOR PRODUCTION NO. 54:**

17 All DOCUMENTS and COMMUNICATIONS REGARDING the ownership of and/or  
18 relationship between ODIN WAVE, TYTO, APPARATE INTERNATIONAL, DOGWOOD  
19 LEASING, and/or POUCH HOLDINGS.

20 **RESPONSE TO REQUEST FOR PRODUCTION NO. 54:**

21 After a diligent search and reasonable inquiry, Defendants respond that Defendants have  
22 no documents responsive to this Request as to Dogwood Leasing. Defendants will produce non-  
23 privileged DOCUMENTS and COMMUNICATIONS sufficient to show the ownership of and/or  
24 relationship between ODIN WAVE, TYTO, APPARATE INTERNATIONAL, and/or POUCH  
25 HOLDINGS located through a reasonably diligent search.

26 Defendants object to this Request to the extent that it seeks information outside of  
27 Defendants’ possession, custody, or control, and to the extent that it seeks information protected  
28 by the attorney-client privilege or the work product doctrine or that is otherwise privileged or

1 protected from discovery. Defendants further object to this Request as irrelevant, overbroad, and  
2 not proportional to the needs of the case; specifically, Defendants object that the Request is  
3 overbroad as to scope, subject matter, and time, and is irrelevant and not proportional to the needs  
4 of the case to the extent it calls for the production of documents that are unrelated to this  
5 litigation. Defendants additionally object that responding to this Request would be oppressive  
6 and unduly burdensome.

7

8 **REQUEST FOR PRODUCTION NO. 55:**

9 All business formation DOCUMENTS, business plans, and solicitations of investment  
10 capital for OTTOMOTTO.

11 **RESPONSE TO REQUEST FOR PRODUCTION NO. 55:**

12 Defendants have produced documents responsive to this Request in connection with  
13 Expedited Request for Production Number 2. Defendants consider their production to be  
14 complete at this time.

15 Defendants object to this Request as irrelevant, overbroad, and not proportional to the  
16 needs of the case; specifically, Defendants object that the Request is overbroad as to scope,  
17 subject matter, and time, and is irrelevant and not proportional to the needs of the case to the  
18 extent it calls for the production of documents that are unrelated to this litigation. Defendants  
19 also object to this Request as improperly compound, as it seeks documents and communications  
20 regarding three separate categories of information. Defendants further object to this Request to  
21 the extent that it seeks information outside of Defendants’ possession, custody, or control.  
22 Defendants also object to this Request to the extent that the term “business plans” is vague and  
23 ambiguous in the context of this Request.

24

25 **REQUEST FOR PRODUCTION NO. 56:**

26 All DOCUMENTS and COMMUNICATIONS REGARDING the formation of  
27 OTTOMOTTO.

28

1 **RESPONSE TO REQUEST FOR PRODUCTION NO. 56:**

2 Defendants have produced documents responsive to this Request in connection with its  
3 production pursuant to expedited Requests 13-17. Defendants will produce additional non-  
4 privileged DOCUMENTS and COMMUNICATIONS responsive to this Request located through  
5 a reasonably diligent search.

6 Defendants object to this Request as irrelevant, overbroad, and not proportional to the  
7 needs of the case; specifically, Defendants object that the Request is overbroad as to scope,  
8 subject matter, and time, and is irrelevant and not proportional to the needs of the case to the  
9 extent it calls for the production of documents that are unrelated to this litigation. Defendants  
10 further object to this Request to the extent that the term “REGARDING” is vague and ambiguous  
11 in the context of this Request. Defendants additionally object that responding to this Request  
12 would be oppressive and unduly burdensome.

13

14 **REQUEST FOR PRODUCTION NO. 57:**

15 All business formation DOCUMENTS, business plans, and solicitations of investment  
16 capital for OTTO TRUCKING.

17 **RESPONSE TO REQUEST FOR PRODUCTION NO. 57:**

18 Defendants have produced documents responsive to this Request in connection with  
19 Expedited Request for Production Number 2. Defendants consider their production to be  
20 complete at this time.

21 Defendants object to this Request to the extent that it seeks information outside of  
22 Defendants’ possession, custody, or control. Defendants further object to this Request as  
23 irrelevant, overbroad, and not proportional to the needs of the case; specifically, Defendants  
24 object that the Request is overbroad as to scope, subject matter, and time, and is irrelevant and not  
25 proportional to the needs of the case to the extent it calls for the production of documents that are  
26 unrelated to this litigation. Defendants also object to this Request as improperly compound, as it  
27 seeks documents and communications regarding three separate categories of information.  
28 Defendants additionally object that responding to this Request would be oppressive and unduly

1 burdensome. Defendants further object to this Request to the extent that it seeks information  
2 outside of Defendants’ possession, custody, or control. Defendants also object to this Request to  
3 the extent that the term “business plans” is vague and ambiguous in the context of this Request.  
4

5 **REQUEST FOR PRODUCTION NO. 58:**

6 All DOCUMENTS and COMMUNICATIONS REGARDING the formation of OTTO  
7 TRUCKING.

8 **RESPONSE TO REQUEST FOR PRODUCTION NO. 58:**

9 Defendants have already produced documents responsive to this Request in connection  
10 with Defendants’ production pursuant to Waymo’s second set of expedited Requests for  
11 Production, as well as in production volume 28.

12 Defendants object to this Request to the extent that it seeks information outside of  
13 Defendants’ possession, custody, or control. Defendants further object to this Request as  
14 irrelevant, overbroad, and not proportional to the needs of the case; specifically, Defendants  
15 object that the Request is overbroad as to scope, subject matter, and time, and is irrelevant and not  
16 proportional to the needs of the case to the extent it calls for the production of documents that are  
17 unrelated to this litigation. Defendants further object to this Request to the extent that the term  
18 “REGARDING” is vague and ambiguous in the context of this Request. Defendants additionally  
19 object that responding to this Request would be oppressive and unduly burdensome.

20 Defendants are willing to meet and confer with Plaintiff to narrow the scope, subject  
21 matter, and time frame of this Request.  
22

23 **REQUEST FOR PRODUCTION NO. 59:**

24 All business formation DOCUMENTS, business plans, and solicitations of investment  
25 capital for TYTO and/or ODIN WAVE.

26 **RESPONSE TO REQUEST FOR PRODUCTION NO. 59:**

27 Defendants have already produced documents responsive to this Request in production  
28 volume 42.

1 Defendants object to this Request to the extent that it seeks information outside of  
2 Defendants’ possession, custody, or control. Defendants further object to this Request as  
3 irrelevant, overbroad, and not proportional to the needs of the case; specifically, Defendants  
4 object that the Request is overbroad as to scope, subject matter, and time, and is irrelevant and not  
5 proportional to the needs of the case to the extent it calls for the production of documents that are  
6 unrelated to this litigation. Defendants also object to this Request as improperly compound, as it  
7 seeks documents and communications regarding three separate categories of information.  
8 Defendants additionally object that responding to this Request would be oppressive and unduly  
9 burdensome.

10

11 **REQUEST FOR PRODUCTION NO. 60:**

12

13 All DOCUMENTS and COMMUNICATIONS REGARDING the formation of TYTO

14 and/or ODIN WAVE.

15

16 **RESPONSE TO REQUEST FOR PRODUCTION NO. 60:**

17

18 Defendants will produce non-privileged DOCUMENTS and COMMUNICATIONS  
19 responsive to this Request located through a reasonably diligent search.

20

21 Defendants object to this Request to the extent that it seeks information outside of  
22 Defendants’ possession, custody, or control. Defendants further object to this Request as  
23 irrelevant, overbroad, and not proportional to the needs of the case; specifically, Defendants  
24 object that the Request is overbroad as to scope, subject matter, and time, and is irrelevant and not  
25 proportional to the needs of the case to the extent it calls for the production of documents that are  
26 unrelated to this litigation. Defendants further object to this Request to the extent that the term  
27 “REGARDING” is vague and ambiguous in the context of this Request. Defendants additionally  
28 object that responding to this Request would be oppressive and unduly burdensome.

1 **REQUEST FOR PRODUCTION NO. 61:**

2 All business formation DOCUMENTS, business plans, and solicitations of investment  
3 capital for APPARATE INTERNATIONAL, DOGWOOD LEASING, and/or POUCH  
4 HOLDINGS

5 **RESPONSE TO REQUEST FOR PRODUCTION NO. 61:**

6 After a diligent search and reasonable inquiry, Defendants respond that Defendants have  
7 no documents responsive to this Request as to Dogwood Leasing. Defendants will produce  
8 relevant DOCUMENTS responsive to this Request located through a reasonably diligent search.

9 Defendants object to this Request to the extent that it seeks information outside of  
10 Defendants’ possession, custody, or control. Defendants further object to this Request as  
11 irrelevant, overbroad, and not proportional to the needs of the case; specifically, Defendants  
12 object that the Request is overbroad as to scope—especially insofar as it seeks documents  
13 regarding Apparate International—, subject matter, and time, and is irrelevant and not  
14 proportional to the needs of the case to the extent it calls for the production of documents that are  
15 unrelated to this litigation. Defendants also object to this Request as improperly compound, as it  
16 seeks documents and communications regarding nine separate categories of information.  
17 Defendants additionally object that responding to this Request would be oppressive and unduly  
18 burdensome.

19  
20 **REQUEST FOR PRODUCTION NO. 62:**

21 All DOCUMENTS and COMMUNICATIONS REGARDING the formation of  
22 APPARATE INTERNATIONAL, DOGWOOD LEASING, and/or POUCH HOLDINGS.

23 **RESPONSE TO REQUEST FOR PRODUCTION NO. 62:**

24 After a diligent search and reasonable inquiry, Defendants respond that Defendants have  
25 no documents responsive to this Request as to Dogwood Leasing.

26 Defendants object to this Request to the extent that it seeks information outside of  
27 Defendants’ possession, custody, or control. Defendants further object to this Request as  
28 irrelevant, overbroad, and not proportional to the needs of the case; specifically, Defendants

1 object that the Request is overbroad as to scope—especially insofar as it seeks documents  
2 regarding Apparate International—, subject matter, and time, and is irrelevant and not  
3 proportional to the needs of the case to the extent it calls for the production of documents that are  
4 unrelated to this litigation. Defendants further object to this Request to the extent that the term  
5 “REGARDING” is vague and ambiguous in the context of this Request. Defendants additionally  
6 object that responding to this Request would be oppressive and unduly burdensome.

7 Defendants are willing to meet and confer with Plaintiff to narrow the scope, subject  
8 matter, and time frame of this Request.

9

10 **REQUEST FOR PRODUCTION NO. 63:**

11 DOCUMENTS sufficient to identify all current and former officers, employees,  
12 contractors, and consultants of ODIN WAVE and/or TYTO, and the title and/or role of each such  
13 officer, employee, contractor, and consultant.

14 **RESPONSE TO REQUEST FOR PRODUCTION NO. 63:**

15 Defendants have produced documents responsive to this Request in production volume  
16 42. Defendants consider their production to be complete at this time.

17 Defendants object to this Request as irrelevant, overbroad, and not proportional to the  
18 needs of the case; specifically, Defendants object that the Request is overbroad as to scope,  
19 subject matter, and time, and is irrelevant and not proportional to the needs of the case to the  
20 extent it calls for the production of documents that are unrelated to this litigation.

21

22 **REQUEST FOR PRODUCTION NO. 64:**

23 DOCUMENTS sufficient to identify all current and former officers, employees,  
24 contractors, and consultants of OTTOMOTTO, and the title and/or role of each such officer,  
25 employee, contractor, and consultant.

26 **RESPONSE TO REQUEST FOR PRODUCTION NO. 64:**

27 Defendants have produced documents sufficient to show the requested information in  
28 production volume 42.

1 Defendants object to this Request as irrelevant, overbroad, and not proportional to the  
2 needs of the case; specifically, Defendants object that the Request is overbroad as to scope,  
3 subject matter, and time, and is irrelevant and not proportional to the needs of the case to the  
4 extent it calls for the production of documents that are unrelated to this litigation.

5

6 **REQUEST FOR PRODUCTION NO. 65:**

7 DOCUMENTS sufficient to identify all current and former officers, employees,  
8 contractors, and consultants of OTTO TRUCKING, and the title and/or role of each such officer,  
9 employee, contractor, and consultant.

10 **RESPONSE TO REQUEST FOR PRODUCTION NO. 65:**

11 Defendants will produce a DOCUMENT or DOCUMENTS responsive to this Request  
12 located through a reasonably diligent search.

13 Defendants object to this Request to the extent that it seeks information outside of  
14 Defendants’ possession, custody, or control. Defendants further object to this Request as  
15 irrelevant, overbroad, and not proportional to the needs of the case; specifically, Defendants  
16 object that the Request is overbroad as to scope, subject matter, and time, and is irrelevant and not  
17 proportional to the needs of the case to the extent it calls for the production of documents that are  
18 unrelated to this litigation.

19

20 **REQUEST FOR PRODUCTION NO. 66:**

21 All DOCUMENTS and COMMUNICATIONS REGARDING the “forensic analysis”  
22 referred to in entry nos. 7-10 and 17 of DEFENDANTS’ privilege log, INCLUDING but not  
23 limited to all underlying forensic data related to that analysis.

24 **RESPONSE TO REQUEST FOR PRODUCTION NO. 66:**

25 Defendants object to this Request to the extent that it seeks information protected by the  
26 attorney-client privilege or the work product doctrine or that is otherwise privileged or protected  
27 from discovery. Defendants further object to this Request as irrelevant, overbroad, and not  
28 proportional to the needs of the case; specifically, Defendants object that the Request is overbroad

1 as to scope, subject matter, and time, and is irrelevant and not proportional to the needs of the  
2 case to the extent it calls for the production of documents that are unrelated to this litigation.

3 Defendants will not produce documents in response to this Request.

5 **REQUEST FOR PRODUCTION NO. 67:**

6 STROZ’s August 5, 2016 due diligence report, including all exhibits, attachments, and  
7 appendices thereto.

8 **RESPONSE TO REQUEST FOR PRODUCTION NO. 67:**

9 This Request seeks privileged information that is the subject of a pending appeal.  
10 Defendants cannot produce that information unless and until the appeal is resolved.

11 Defendants object to this Request to the extent that it seeks information protected by the  
12 attorney-client privilege or the work product doctrine or that is otherwise privileged or protected  
13 from discovery, regardless of the outcome of the appeal.

14

15 **REQUEST FOR PRODUCTION NO. 68:**

16 All DOCUMENTS and COMMUNICATIONS REGARDING the attestations that  
17 DEFENDANTS first required employees to sign in April 2016 (referred to in the Declaration of  
18 Rhian Morgan, paragraphs 13-16).

19 **RESPONSE TO REQUEST FOR PRODUCTION NO. 68:**

20 Defendants have produced the attestations referenced in this Request in production  
21 volumes 8 and 33. Defendants consider their production to be complete at this time.

22 Defendants object to this Request to the extent that it seeks information protected by the  
23 attorney-client privilege or the work product doctrine or that is otherwise privileged or protected  
24 from discovery. Defendants have already furnished privilege logs for documents that potentially  
25 could be responsive to the Court’s March 16, 2017 order. To the extent this Request seeks  
26 additional documents, Defendants object that it is overbroad, unduly burdensome, and not  
27 proportional to the needs of the case insofar as it seeks “all” documents and communications.  
28 Defendants further object to this Request as irrelevant, overbroad, and not proportional to the

1 needs of the case; specifically, Defendants object that the Request is overbroad as to scope,  
2 subject matter, and time, and is irrelevant and not proportional to the needs of the case to the  
3 extent it calls for the production of documents that are unrelated to this litigation. Defendants  
4 additionally object that responding to this Request would be oppressive and unduly burdensome.

5

6 **REQUEST FOR PRODUCTION NO. 69:**

7 All versions of any employment agreements, confidentiality agreements, assignment  
8 agreements, or other agreements that DEFENDANTS require or have ever required employees to  
9 execute as a condition of employment, including the dates during which DEFENDANTS required  
10 each version to be executed.

11 **RESPONSE TO REQUEST FOR PRODUCTION NO. 69:**

12 Defendants have produced versions of employment agreements, confidentiality  
13 agreements, assignment agreements, or other agreements that Defendants have required  
14 employees to execute as a condition of employment including in production volumes 6, 8, and 32.  
15 Defendants consider their production to be complete at this time.

16 Defendants object to this Request to the extent that it seeks information protected by the  
17 attorney-client privilege or the work product doctrine or that is otherwise privileged or protected  
18 from discovery. Defendants further object to this Request as irrelevant, overbroad, and not  
19 proportional to the needs of the case; specifically, Defendants object that the Request is overbroad  
20 as to scope, subject matter, and time, and is irrelevant and not proportional to the needs of the  
21 case to the extent it calls for the production of documents that are unrelated to this litigation.  
22 Defendants also object to this Request as improperly compound, as it seeks documents and  
23 communications regarding at least four separate categories of information. Defendants  
24 additionally object that responding to this Request would be oppressive and unduly burdensome.

25

26

27

28

1 **REQUEST FOR PRODUCTION NO. 70:**

2 All executed Employee Attestations, Employee Invention Assignment and Confidentiality  
3 Agreements, and Offer Letters (referred to by the Declaration of Rhian Morgan, paragraphs 5-  
4 16), for any former employee of WAYMO or its corporate affiliates.

5 **RESPONSE TO REQUEST FOR PRODUCTION NO. 70:**

6 Defendants have either logged or produced in production volumes 6, 8, and 32 all non-  
7 privileged documents responsive to this Request. Defendants consider their production to be  
8 complete at this time.

9 Defendants object to this Request to the extent that it seeks information protected by the  
10 attorney-client privilege or the work product doctrine or that is otherwise privileged or protected  
11 from discovery. Defendants further object to this Request as irrelevant, overbroad, and not  
12 proportional to the needs of the case; specifically, Defendants object that the Request is overbroad  
13 as to scope, subject matter, and time, and is irrelevant and not proportional to the needs of the  
14 case to the extent it calls for the production of documents that are unrelated to this litigation.  
15 Defendants also object to this Request as improperly compound, as it seeks documents and  
16 communications regarding three separate categories of information. Defendants additionally  
17 object that responding to this Request would be oppressive and unduly burdensome.

18

19 **REQUEST FOR PRODUCTION NO. 71:**

20 DOCUMENTS sufficient to show the measures taken by DEFENDANTS to ensure that  
21 former employees of WAYMO or its corporate affiliates hired by DEFENDANTS did not retain  
22 confidential WAYMO information.

23 **RESPONSE TO REQUEST FOR PRODUCTION NO. 71:**

24 Defendants have produced non-privileged documents sufficient to show the measures  
25 taken by Defendants to ensure that former employees of Waymo or its corporate affiliates, as  
26 reasonably known by Defendants, hired by Defendants did not retain confidential Waymo  
27 information in production volumes 6, 8, and 33. Defendants believe their production to be  
28 complete at this time.

1 Defendants object to this Request to the extent that it seeks information protected by the  
2 attorney-client privilege or the work product doctrine or that is otherwise privileged or protected  
3 from discovery. Defendants further object to this Request as vague and ambiguous, including as  
4 to the phrase “corporate affiliates.”

5

6 **REQUEST FOR PRODUCTION NO. 72:**

7 All DOCUMENTS REGARDING DEFENDANTS’ policies regarding employees’ use of  
8 personal computers or other devices while working at or for DEFENDANTS.

9 **RESPONSE TO REQUEST FOR PRODUCTION NO. 72:**

10 Defendants have produced Uber’s Network & Device Acceptable Use Policy, produced at  
11 Bates UBER00006444. Defendants will produce further relevant, responsive non-privileged  
12 DOCUMENTS located through a reasonably diligent search.

13 Defendants object to this Request as irrelevant, overbroad, and not proportional to the  
14 needs of the case; specifically, Defendants object that the Request is overbroad as to scope,  
15 subject matter, and time, and is irrelevant and not proportional to the needs of the case to the  
16 extent it calls for the production of documents that are unrelated to this litigation.

17

18 **REQUEST FOR PRODUCTION NO. 73:**

19 All DOCUMENTS AND COMMUNICATIONS REGARDING the  
20 MISAPPROPRIATED MATERIALS, INCLUDING but not limited to (i) DOCUMENTS  
21 containing any information derived from the MISAPPROPRIATED MATERIALS, (ii) any  
22 electronic media that contains or contained the MISAPPROPRIATED MATERIALS, and (iii)  
23 any DOCUMENTS REGARDING any meetings or discussions REGARDING the substance of  
24 the MISAPPROPRIATED MATERIALS outside of WAYMO.

25 **RESPONSE TO REQUEST FOR PRODUCTION NO. 73:**

26 Defendants have not located any of the 14,000 digital files allegedly downloaded by  
27 LEVANDOWSKI on or about December 11, 2015 from the SVN repository except for common  
28 files that are not proprietary to Waymo and have not located any documents that contain

1 information from those Waymo files using the search terms provided by Waymo in connection  
2 with the search for those files. Defendants continue to search for DOCUMENTS and  
3 COMMUNICATIONS responsive to this Request, and will produce non-privileged responsive  
4 DOCUMENTS and COMMUNICATIONS located through a reasonably diligent search.

5 Defendants object to this Request to the extent that it seeks information protected by the  
6 attorney-client privilege or the work product doctrine or that is otherwise privileged or protected  
7 from discovery. Defendants have already furnished privilege logs for documents that potentially  
8 could be responsive to the Court’s March 16, 2017 order. To the extent this Request seeks  
9 additional documents, Defendants object that it is overbroad, unduly burdensome, and not  
10 proportional to the needs of the case insofar as it seeks “all” documents and communications.  
11 Defendants further object to this Request as irrelevant, overbroad, and not proportional to the  
12 needs of the case; specifically, Defendants object that the Request is overbroad as to scope,  
13 subject matter, and time, and is irrelevant and not proportional to the needs of the case to the  
14 extent it calls for the production of documents that are unrelated to this litigation. Defendants  
15 further object to this Request to the extent that the term “REGARDING” is vague and ambiguous  
16 in the context of this Request.

17

18 **REQUEST FOR PRODUCTION NO. 74:**

19 DOCUMENTS sufficient to show the number of times LEVANDOWSKI has accessed  
20 any of DEFENDANTS’ servers or networks (INCLUDING but not limited to [REDACTED]  
21 [REDACTED]  
22 [REDACTED]

23 [REDACTED] and any Wi-Fi network provided by DEFENDANTS at any of their offices) from a  
24 personal device.

25 **RESPONSE TO REQUEST FOR PRODUCTION NO. 74:**

26 After a diligent search and reasonable inquiry, Defendants respond that there are no  
27 documents responsive to this Request.

28

1 **REQUEST FOR PRODUCTION NO. 75:**

2 All DOCUMENTS and COMMUNICATIONS REGARDING the “forensic examination”  
3 of KSHIRSAGAR’s personal phone, work-issued phone, and work-issued laptop (referred to in  
4 the Declaration of Sameer Kshirsagar).

5 **RESPONSE TO REQUEST FOR PRODUCTION NO. 75:**

6 Defendants have produced documents responsive to this Request in connection with the  
7 Requests for Production served with the deposition notice of Kevin Faulkner. Defendants  
8 consider their production to be complete at this time.

9 Defendants object to this Request to the extent that it seeks information protected by the  
10 attorney-client privilege or the work product doctrine or that is otherwise privileged or protected  
11 from discovery.

12 **REQUEST FOR PRODUCTION NO. 76:**

13 DOCUMENTS sufficient to show the hit counts for each of the Court-ordered 135 search  
14 terms (120 proposed by DEFENDANTS, and 15 proposed by WAYMO) for each custodial (e.g.,  
15 LEVANDOWSKI) and non-custodial (e.g., Git repository) source encompassed by the Court’s  
16 Order After Hearing Re Discovery Letter Dated April 3, 2017, with a per-term, per-source level  
17 of specificity.

18 **RESPONSE TO REQUEST FOR PRODUCTION NO. 76:**

19 Defendants will produce documents sufficient to show the hit counts for each of the  
20 search terms ordered by the Court. Defendants produced documents sufficient to show the  
21 document sources searched in connection with the Requests for Production served with the  
22 deposition notice of Kevin Faulkner.

23 To the extent this Request requires anything further than what Defendants have agreed to  
24 produce, Defendants object that it is overbroad, unduly burdensome, and not proportional to the  
25 needs of the case.

1 **REQUEST FOR PRODUCTION NO. 77:**

2 All DOCUMENTS and COMMUNICATIONS REGARDING any consideration of an  
3 ethical wall or policy regarding LEVANDOWSKI’s participation or input into DEFENDANTS’  
4 LiDAR designs or other self-driving car technology, and REGARDING the reasons for any such  
5 policy.

6 **RESPONSE TO REQUEST FOR PRODUCTION NO. 77:**

7 Defendants will produce non-privileged DOCUMENTS and COMMUNICATIONS  
8 responsive to this Request, located through a reasonably diligent search.

9 Defendants object to this Request to the extent that it seeks information protected by the  
10 attorney-client privilege or the work product doctrine or that is otherwise privileged or protected  
11 from discovery.

12 **REQUEST FOR PRODUCTION NO. 78:**

13 All side letter agreements between any DEFENDANT and any founder of  
14 OTTOMOTTO, including any amendment thereto.

15 **RESPONSE TO REQUEST FOR PRODUCTION NO. 78:**

16 For the purposes of these Responses, Defendants define “any founder of OTTOMOTTO”  
17 pursuant to the Consumer Merger Agreement, which defines the founders of OTTOMOTTO as  
18 Anthony Levandowski and Lior Ron.

19 Defendants object to this Request as irrelevant, overbroad, and not proportional to the  
20 needs of the case; specifically, Defendants object that the Request is overbroad as to scope,  
21 subject matter, and time, and is irrelevant and not proportional to the needs of the case to the  
22 extent it calls for the production of documents that are unrelated to this litigation. Defendants  
23 further object to the phrase “side letter agreements” as vague and ambiguous in the context of this  
24 Request.

1 **REQUEST FOR PRODUCTION NO. 79:**

2 All DOCUMENTS and COMMUNICATIONS REGARDING any side letter agreements  
3 between any DEFENDANT and any founder of OTTOMOTTO, including any amendment  
4 thereto.

5 **RESPONSE TO REQUEST FOR PRODUCTION NO. 79:**

6 For the purposes of these Responses, Defendants define “any founder of OTTOMOTTO”  
7 pursuant to the Consumer Merger Agreement, which defines the founders of OTTOMOTTO as  
8 Anthony Levandowski and Lior Ron.

9 Defendants object to this Request to the extent that it seeks information protected by the  
10 attorney-client privilege or the work product doctrine or that is otherwise privileged or protected  
11 from discovery. Defendants further object to this Request as irrelevant, overbroad, and not  
12 proportional to the needs of the case; specifically, Defendants object that the Request is overbroad  
13 as to scope, subject matter, and time, and is irrelevant and not proportional to the needs of the  
14 case to the extent it calls for the production of documents that are unrelated to this litigation.  
15 Defendants further object to the phrase “side letter agreements” as vague and ambiguous in the  
16 context of this Request.

17  
18 **REQUEST FOR PRODUCTION NO. 80:**

19 All employment agreements between any DEFENDANT and any founder of  
20 OTTOMOTTO, including any amendment thereto.

21 **RESPONSE TO REQUEST FOR PRODUCTION NO. 80:**

22 For the purposes of these Responses, Defendants define “any founder of OTTOMOTTO”  
23 pursuant to the Consumer Merger Agreement, which defines the founders of OTTOMOTTO as  
24 Anthony Levandowski and Lior Ron.

25 Defendants have already logged or produced in production volumes 32 and 41 documents  
26 responsive to this Request. After a reasonably diligent search, Defendants have not located any  
27 additional responsive documents.

1 **REQUEST FOR PRODUCTION NO. 81:**

2 All DOCUMENTS and COMMUNICATIONS REGARDING any employment  
3 agreements between any DEFENDANT and any founder of OTTOMOTTO, including any  
4 amendment thereto.

5 **RESPONSE TO REQUEST FOR PRODUCTION NO. 81:**

6 For the purposes of these Responses, Defendants define “any founder of OTTOMOTTO”  
7 pursuant to the Consumer Merger Agreement, which defines the founders of OTTOMOTTO as  
8 Anthony Levandowski and Lior Ron.

9 Defendants will produce relevant, responsive non-privileged DOCUMENTS and  
10 COMMUNICATIONS located through a reasonably diligent search.

11 Defendants object to this Request to the extent that it seeks information protected by the  
12 attorney-client privilege or the work product doctrine or that is otherwise privileged or protected  
13 from discovery. Defendants further object to this Request as irrelevant, overbroad, and not  
14 proportional to the needs of the case; specifically, Defendants object that the Request is overbroad  
15 as to scope, subject matter, and time, and is irrelevant and not proportional to the needs of the  
16 case to the extent it calls for the production of documents that are unrelated to this litigation.  
17 Defendants further object that the term “REGARDING” is vague and ambiguous in the context of  
18 this Request.

19

20 **REQUEST FOR PRODUCTION NO. 82:**

21 All consulting agreements between any DEFENDANT and any founder of  
22 OTTOMOTTO, including any amendment thereto.

23 **RESPONSE TO REQUEST FOR PRODUCTION NO. 82:**

24 For the purposes of these Responses, Defendants define “any founder of OTTOMOTTO”  
25 pursuant to the Consumer Merger Agreement, which defines the founders of OTTOMOTTO as  
26 Anthony Levandowski and Lior Ron.

27 Defendants will produce relevant, responsive agreements located through a reasonably  
28 diligent search.

1           Defendants object to this Request as irrelevant, overbroad, and not proportional to the  
2 needs of the case; specifically, Defendants object that the Request is overbroad as to scope,  
3 subject matter, and time, and is irrelevant and not proportional to the needs of the case to the  
4 extent it calls for the production of documents that are unrelated to this litigation.

5

6 **REQUEST FOR PRODUCTION NO. 83:**

7           All DOCUMENTS and COMMUNICATIONS REGARDING any consulting agreements  
8 between any DEFENDANT and any founder of OTTOMOTTO, including any amendment  
9 thereto.

10 **RESPONSE TO REQUEST FOR PRODUCTION NO. 83:**

11           For the purposes of these Responses, Defendants define “any founder of OTTOMOTTO”  
12 pursuant to the Consumer Merger Agreement, which defines the founders of OTTOMOTTO as  
13 Anthony Levandowski and Lior Ron.

14           Defendants will produce non-privileged documents responsive to this Request that  
15 evidence or concern the terms of any consulting agreement between Uber, Ottomotto, and any  
16 founder of Ottomotto, to the extent Defendants locate any such documents through a reasonably  
17 diligent search.

18           Defendants object to this Request to the extent that it seeks information protected by the  
19 attorney-client privilege or the work product doctrine or that is otherwise privileged or protected  
20 from discovery. Defendants further object to this Request as irrelevant, overbroad, and not  
21 proportional to the needs of the case; specifically, Defendants object that the Request is overbroad  
22 as to scope, subject matter, and time, and is irrelevant and not proportional to the needs of the  
23 case to the extent it calls for the production of documents that are unrelated to this litigation.  
24 Defendants further object that the term “REGARDING consulting agreements” is vague and  
25 ambiguous in the context of this Request.

26

27

28

1 **REQUEST FOR PRODUCTION NO. 84:**

2 All compensation-related agreements between any DEFENDANT and any founder of  
3 OTTOMOTTO, including any amendment thereto.

4 **RESPONSE TO REQUEST FOR PRODUCTION NO. 84:**

5 Defendants have already produced documents responsive to this Request in production  
6 volume 32. Defendants will produce additional non-privileged documents responsive to this  
7 Request located through a reasonably diligent search.

8 Defendants object to this Request as duplicative of other Requests, including but not  
9 limited to Request for Production Numbers 80 and 82.

10 **REQUEST FOR PRODUCTION NO. 85:**

11 All DOCUMENTS and COMMUNICATIONS REGARDING any compensation-related  
12 agreements between any DEFENDANT and any founder of OTTOMOTTO, including any  
13 amendment thereto.

14 **RESPONSE TO REQUEST FOR PRODUCTION NO. 85:**

15 For the purposes of these Responses, Defendants define “any founder of OTTOMOTTO”  
16 pursuant to the Consumer Merger Agreement, which defines the founders of OTTOMOTTO as  
17 Anthony Levandowski and Lior Ron.

18 Defendants have already produced documents responsive to this Request, including in  
19 production volumes 17, 27, and 41. Defendants are willing to meet and confer with Plaintiff to  
20 narrow the scope, subject matter, and time frame of this Request.

21 Defendants object to this Request as duplicative of other Requests, including but not  
22 limited to Request for Production Numbers 81 and 83. Defendants further object that the term  
23 “REGARDING” is vague and ambiguous in the context of this Request.

24 **REQUEST FOR PRODUCTION NO. 86:**

25 All DOCUMENTS cited by and/or referred to by DEFENDANTS in their Opposition to  
26 Motion to Compel (Dkt. 369) and supporting declarations thereto.

1 **RESPONSE TO REQUEST FOR PRODUCTION NO. 86:**

2 Defendants have already produced all non-privileged documents responsive to this  
3 Request in production volumes 27 and 29.

4 Defendants object to this Request to the extent that it seeks information protected by the  
5 attorney-client privilege or the work product doctrine or that is otherwise privileged or protected  
6 from discovery.

7 **REQUEST FOR PRODUCTION NO. 87:**

8 All DOCUMENTS provided to STROZ by DEFENDANTS or LEVANDOWSKI  
9 REGARDING LEVANDOWSKI, Lior Ron, OTTO, OTTOMOTTO, GOOGLE, WAYMO, or  
10 the MISAPPROPRIATED MATERIALS

11 **RESPONSE TO REQUEST FOR PRODUCTION NO. 87:**

12 This Request seeks privileged information that is the subject of a pending appeal.  
13 Defendants cannot produce that information unless and until the appeal is resolved.

14 Defendants object to this Request to the extent that it seeks information protected by the  
15 attorney-client privilege or the work product doctrine or that is otherwise privileged or protected  
16 from discovery, regardless of the outcome of the appeal. Defendants further object to this  
17 Request to the extent that it seeks information protected by common law, constitutional, and/or  
18 statutory rights of privacy. Defendants further object to this Request to the extent it seeks  
19 documents outside the possession, custody, or control of Defendants.

20  
21 **REQUEST FOR PRODUCTION NO. 88:**

22 DOCUMENTS sufficient to show all PERSONS other than UBER that negotiated with  
23 OTTOMOTTO and/or OTTO TRUCKING REGARDING a potential acquisition.

24 **RESPONSE TO REQUEST FOR PRODUCTION NO. 88:**

25 Defendants object to this Request to the extent it seeks documents outside the possession,  
26 custody, or control of Defendants. Defendants further object to this Request as irrelevant,  
27 overbroad, and not proportional to the needs of the case; specifically, Defendants object that the  
28 Request is overbroad as to scope, subject matter, and time, and is irrelevant and not proportional

1 to the needs of the case to the extent it calls for the production of documents that are unrelated to  
2 this litigation. Defendants also object to this Request as vague and ambiguous as to “negotiated  
3 with” and “potential acquisition.”

4 Defendants will not produce DOCUMENTS responsive to this Request.

5

6 **REQUEST FOR PRODUCTION NO. 89:**

7 All DOCUMENTS and COMMUNICATIONS REGARDING negotiations between  
8 OTTOMOTTO and/or OTTO TRUCKING, on the one hand, and PERSONS other than UBER,  
9 on the other, REGARDING a potential acquisition of OTTOMOTTO and/or OTTO TRUCKING.

10 **RESPONSE TO REQUEST FOR PRODUCTION NO. 89:**

11 Defendants object to this Request to the extent it seeks documents outside the possession,  
12 custody, or control of Defendants. Defendants further object to this Request as irrelevant,  
13 overbroad, and not proportional to the needs of the case; specifically, Defendants object that the  
14 Request is overbroad as to scope, subject matter, and time, and is irrelevant and not proportional  
15 to the needs of the case to the extent it calls for the production of documents that are unrelated to  
16 this litigation. Defendants also object to this Request as vague and ambiguous as to  
17 “negotiations” and “potential acquisition.”

18 Defendants will not produce DOCUMENTS responsive to this Request.

19

20 **REQUEST FOR PRODUCTION NO. 90:**

21 DOCUMENTS sufficient to show all of LEVANDOWSKI’s past and present “Authorized  
22 Devices” (as that term is defined in UBER00006444, Section 7), INCLUDING (without  
23 limitation) all of LEVANDOWSKI’s “Uber Devices” (Section 7.1) and “Non-Uber Devices”  
24 (Sections 7.1 and 7.2).

25 **RESPONSE TO REQUEST FOR PRODUCTION NO. 90:**

26 After a diligent search and reasonable inquiry, Defendants respond that there are no non-  
27 privileged documents responsive to this Request.

28

1 Defendants object to this Request to the extent that it seeks information protected by the  
2 attorney-client privilege or the work product doctrine or that is otherwise privileged or protected  
3 from discovery.

4

5 **REQUEST FOR PRODUCTION NO. 91:**

6 All DOCUMENTS AND COMMUNICATIONS REGARDING any of  
7 LEVANDOWSKI’s past and present “Authorized Devices” (as that term is defined in  
8 UBER00006444, Section 7), INCLUDING (without limitation) any request for approval in  
9 connection with Section 7.2 or any de-authorization (whether contemplated or effecutated) under  
10 Section 7.3.

11 **RESPONSE TO REQUEST FOR PRODUCTION NO. 91:**

12 After a diligent search and reasonable inquiry, Defendants respond that there are no non-  
13 privileged documents responsive to this Request

14 Defendants object to this Request to the extent that it seeks information protected by the  
15 attorney-client privilege or the work product doctrine or that is otherwise privileged or protected  
16 from discovery.

17 Dated: June 23, 2017

18 MORRISON & FOERSTER LLP

19 By: /s/ Arturo J. González  
20 ARTURO J. GONZÁLEZ

21 Attorneys for Defendants  
22 UBER TECHNOLOGIES, INC.  
23 and OTTOMOTTO LLC

## **APPENDIX**

## Information on Document Collections and Production Under Supplement Order ¶ 13

Defendants further provide information on their collection efforts under Paragraph 13 of the Supplemental Order. As of June 23, 2017, Defendants have searched the following sources of information that may contain material responsive to Waymo's requests for production:

- Defendants' custodial document repositories (e.g. email repositories, Google Docs, locally stored electronic documents)
- Defendants' internal non-custodial document repositories (e.g. personnel files)
- Data room for the Uber – Ottomotto acquisition transaction

As of June 23, 2017, the following individuals employed by Defendants have searched for documents that may contain material responsive to Waymo's requests for production:

- Cameron Poetscher—email data and available text messages
- Nina Qi—email data and available text messages
- Jeff Holden—email data and available text messages
- Ognen Stojanovski—email data and available text messages
- Andrew Glickman—email data and available text messages
- Christian Lynn—email data and available text messages
- Adam Bentley—search responsibility for documents related to Ottomotto, LLC and Otto Trucking, LLC data room, corporate formation documents for the same, and Tyto Lidar, LLC

## **CERTIFICATE OF SERVICE**

I declare that I am employed with the law firm of Morrison & Foerster LLP, whose address is 755 Page Mill Road, Palo Alto, CA 94304. I am not a party to the within cause, and I am over the age of eighteen years.

I further declare that on June 23, 2017, I served true and correct copies of the following documents:

- **DEFENDANTS UBER TECHNOLOGIES, INC. AND OTTOMOTTO LLC'S OBJECTIONS AND RESPONSES TO WAYMO'S FIRST SET OF REQUESTS FOR PRODUCTION**

**BY ELECTRONIC SERVICE [Fed. Rule Civ. Proc. rule 5(b)]** by electronically mailing a true and correct copy through Morrison & Foerster LLP's electronic mail system to the e-mail address(es) set forth below, or as stated on the attached service list per agreement in accordance with Federal Rules of Civil Procedure rule 5(b).

Recipient	Email Address:
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I declare under penalty of perjury that the foregoing is true and correct. Executed at Palo Alto, California, this 23rd day of June 2017.

Ethel Villegas

(typed)

/s/ *Ethel Villegas*

(signature)